

REMARKS

The Office Action of July 7, 2003 has been carefully studied. The claims at issue are now 1 and 3-23, with claims 22 and 23 being newly added. The fee for these additional claims is attended to by the attached check.

Applicants acknowledge the allowability of claims 7-14 and 16-18.

The following paragraphs correspond to the detailed action.

Oath/Declaration

In response to the Examiner's objection, Applicants specify that they do not claim the benefit of the filing date of Provisional application 60/186,300 which was filed one year before the present application and is directed to different subject matter. Accordingly, the mention of Provisional application 60/186,300 in the Oath was inadvertent and should be disregarded. Under these circumstances, it is respectfully submitted that a new Declaration is not required. However, if the Examiner deems it necessary, Applicants, would, of course, comply.

Claim Rejections - 35 U.S.C. 103

Claims 1, 3-6, 15 and 19-21 are rejected over U.S. 5,216,966 in view of newly cited AT 399214 (B).

This newly cited reference describes a heat generating plant with burner (4), a desulphurization zone (6) and a separator (7). The separator is only a cyclone and is used to separate the absorbent from the fumes (see page 3, lines 15-20). This cyclone comprises a peripheral zone into which enter the fumes for the recycling of the absorbent and another zone for evacuating the fumes. During the rotating movement of the fumes along the peripheral zone, the absorbent is separated from these fumes and is reinjected into the desulphurization zone by a pipe (8). The fumes are evacuated by a duct (not referenced) located in the top part of the separator and directed to an exchange zone (9) to be cooled.

It is not seen how the teachings of this reference would lead one of ordinary skill in the art to Applicants' invention. In particular, it is not seen how this reference describes a

desulfurization system comprising three zones: a peripheral recycling zone, an intermediate zone for desulfurization, and a central zone for evacuating fumes. Consequently, it is respectfully submitted that the combination of references would not result in Applicants' claimed invention having three zones, much less wherein the intermediate desulfurization zone is one wherein fumes enter tangentially.

In addition, it is respectfully submitted that there would be no motivation to utilize the teachings of this newly cited reference so as to combine it with the teachings of U.S. 5,216,966. These references are directed to two different complex systems and the concept of combining them would not be apparent not only because of the complexity but also of the dynamic nature of the processes. For example, how or why would the apparatus of AT 399214(B) interweave with the convection zone of U.S. 5,216,966. Furthermore, Applicants' have pointed out in the paragraph bridging pages 1 and 2 of the specification, that external recycling of the absorbent creates a number of problems which the present invention solves. In contrast, one of ordinary skill in the art would have had to know of such problems and would have had to believe that the teachings of the newly cited AT reference would somehow solve such problems. It is respectfully submitted, however, that there is no justification for providing one of ordinary skill in the art with such a hindsight belief so as to make a major change in U.S. 5,216,966 to arrive at Applicants' invention. As pointed out above, even if such a combination were made, it is not seen how Applicants' invention would be reconstructed.

Newly Added Claims

Newly added claims 22 and 23 are provided in order to elaborate additional differences which contrast the present invention with the combined teachings of the prior art.

In view of the above remarks, favorable reconsideration is courteously requested. If there are any remaining issues, however, that can be expeditiously resolved by a telephone conference, the Examiner is courteously invited to telephone Counsel at the number indicated below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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